

INFORMATION OBTAINED FROM THE REPORTER BY CANHU

The Child Abuse/Neglect Hotline Unit (CANHU) may accept reports via a direct call or by letter. When CANHU receives a report the person accepting the call will interview the reporter and collect enough information to determine if the allegations should be categorized based on the following:

- Address, home and work phone numbers of the reporter.
- Identity of child, his/her parents or parent substitutes, and other family members.
- Identity of alleged perpetrator and if he/she is responsible for the child's care, custody, and control. (See discussion of Care, Custody and Control in this attachment.)
- Present location of child, address and directions to the home.
- Other means of locating the family.
- Description of the abuse/neglect incident including time and place of incident or reason for suspecting that the child may be subjected to conditions resulting in abuse or neglect.
- Any event that precipitated the report.
- Determination of immediate danger to the child.
- Status and number of other children living in the home.
- Status and number of other children receiving care in the home.
- If subjects are aware of hotline referral being made.
- If complaint involves a baby-sitter or unlicensed day care provider, the number of full-time, part-time, and drop-in children cared for.
- Any indication of physical violence against any other household or family member.

CARE, CUSTODY, AND CONTROL

Care, Custody, and Control is defined as the exercise of supervision over a child under age eighteen through the ability to control, dictate, coerce, persuade, or require a child to act or perform in some desired manner. Persons considered to have care, custody, and

control are those who have parental authority or those to whom parental authority has been granted by the child's legal custodian or guardian in an agreed upon arrangement. Parental authority is considered to be the responsibility of the individual for the child's emotional and physical care, safety, and nurturing.

Those responsible for the care, custody, and control of children under the age of eighteen will also include any adult (individual aged 18 or older) who has access to a child as a result of the individual's relationship to the child or members of the child's household or family. Relationship is defined as the interconnection between the individual in question and the child or the child's family through kinship, friendship, or mutual personal association. Those individuals who have a relationship through mutual personal association are thought of as having contact that plays a role in the lives of the individuals in question and contain some aspect of attachment or emotional involvement.

Access through relationship shall exclude the following:

- Those interactions, such as that with neighbors and other acquaintances which are based solely on proximity of households or other circumstances which result in incidental contact between individuals.
- Interactions that are based solely on professional relationships, such as that with physicians, therapists, dentists, merchants, employers, and clergy, do not meet the definition, unless it can be shown that a personal relationship exists in which the alleged perpetrator and the child or child's family interacts outside the professional/client relationship or the alleged perpetrator has responsibility in an agreed upon arrangement for the child's supervision. Based on the absence of a personal relationship, it is more appropriate for a law enforcement investigation to occur.

Examples of situations that do not meet the criteria for Care, Custody, and Control:

- A school-aged child is abducted and sexually molested by a man who lives in the child's neighborhood. The man gained access to the child because of the proximity of their residences and was able to plan the abduction based on his knowledge of the child's walk to and from school each day. The identity of the man was known only to the child and the child's family because he lived in the same neighborhood. They had not had any personal contact with him besides passing on the street.
- A five year old child is photographed in the nude by an adult male while visiting the children who live across the street. The alleged perpetrator is a relative of the neighbors that the child was visiting. The five year old child had never met or seen the male relative or her neighbors although he visited periodically in the household and those children had a relationship with the

five year old neighbor, he is not considered to have gained access to this child based on his personal relationship to her.

- A man owns and operates a neighborhood grocery store that is frequented by children. He knows many of the children by name, but has no relationship with the children other than that of storeowner and customer. Over time the storeowner establishes a rapport with a six-year-old female child. He eventually coaxes the child into the back of his store where he shows her pornographic films. Over the next few weeks a routine emerges in which the child comes into the store and the man sexually abuses the child. Although the storeowner has a relationship with this child, established through his profession as the storeowner, he is not considered to have care, custody, and control of her. He gained access as a result of the child coming into his store. The relationship that was established is considered to be part of the sexual molestation.

Examples of situations that do meet the criteria for Care, Custody, and Control:

- A child has an adult sibling living in his household. The adult sibling has an adult friend who is frequently present in the home and often spends the night. The friend is reported to have molested the child. He had access to the child based on his personal relationship with the child's sibling.
- A man reportedly exposes his genitals to a child in his home. The adult was, at one time, the child's biology teacher, but was not at the time of the incident. The teacher raises fish in aquariums at school and the child developed a relationship with the teacher due to his own interest in aquarium fish. The child would sometimes stay after school and help the teacher with the fish. One day the teacher invited the child to his home to see the aquarium there. The teacher is thought of as having care, custody, and control of the child based on their personal relationship as well as the individual being a teacher at the school where the child attends.
- A party is held at a residence in which several children live. An adult guest at the party, a friend of the host, is intoxicated and becomes belligerent toward a teenage child who refused to get a beer for the guest. The adult strikes the child in the face, leaving an injury on the child's face. The adult is considered to have care, custody, and control, based on his personal relationship to the child's parents.

MEMORANDA HISTORY: